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FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 23, 2007

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Andreason and Pearce, absent and formally excused by the Chair; President Pro Tempore Geddes and Senators Gannon, McKenzie, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Rachael Hansen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 22, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

February 23, 2007

The JUDICIARY AND RULES Committee reports that **S 1167**, **S 1168**, **S 1169**, **S 1170**, **S 1171**, **SCR 112**, and **SCR 113** have been correctly printed.

DARRINGTON, Chairman

S 1167 and **S 1168** were referred to the Finance Committee.

S 1169 was referred to the State Affairs Committee.

S 1170 was referred to the Health and Welfare Committee.

S 1171 was referred to the Judiciary and Rules Committee.

SCR 112 and **SCR 113** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 22, 2007

The JUDICIARY AND RULES Committee reports that Enrolled **S 1017**, as amended, and **S 1071** were delivered to the Office of the Governor at 2:40 p.m., February 22, 2007.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 23, 2007

The TRANSPORTATION Committee reports out **S 1135** and **S 1118** with the recommendation that they do pass.

McGEE, Chairman

S 1135 and **S 1118** were filed for second reading.

February 22, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Thomas E. Limbaugh to the Idaho Industrial Commission, term to expire January 1, 2013.

COINER, Vice Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 22, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1126** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

COINER, Vice Chairman

There being no objection, **S 1126** was referred to the Fourteenth Order of Business, General Calendar.

February 22, 2007

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1107** with the recommendation that it do pass.

COINER, Vice Chairman

S 1107 was filed for second reading.

February 22, 2007

February 22, 2007

The EDUCATION Committee reports out **S 1088** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, **S 1088** was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2007

The FINANCE Committee reports out **S 1167** and **S 1168** with the recommendation that they do pass.

CAMERON, Chairman

S 1167 and **S 1168** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

February 22, 2007

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard L. Cade of Meridian, Idaho, was appointed as a member of the Idaho State Racing Commission to serve a term commencing February 13, 2007, and expiring January 1, 2013.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C. L. 'Butch' Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Stegner was recorded present at this order of business.

Mr. President:

I transmit herewith **H 179, H 152, H 124, H 171, H 175, H 170, H 100, H 102, H 139, H 103, H 104, H 186, H 189, H 190, H 191**, and **H 197** which have passed the House.

JUKER, Chief Clerk

H 179, H 152, H 124, H 171, H 175, H 170, H 100, H 102, H 139, H 103, H 104, H 186, H 189, H 190, H 191, and **H 197** were filed for first reading.

February 22, 2007

Mr. President:

I return herewith **S 1051** and **S 1062** which have passed the House.

JUKER, Chief Clerk

S 1051 and **S 1062** were referred to the Judiciary and Rules Committee for enrolling.

February 22, 2007

Mr. President:

I transmit herewith Enrolled **H 69, H 70**, and **H 14** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 69, H 70**, and **H 14** and ordered them returned to the House.

February 22, 2007

Mr. President:

I return herewith Enrolled **S 1010** and **S 1011** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1010** and **S 1011** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Cameron, granted by unanimous consent, the Gubernatorial Appointment of Brad Foltman as Administrator of the Division of Financial Management was referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 179, H 189, H 190, H 191, and H 197, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 152, by Environment Energy and Technology Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 124, H 171, and 175, by Judiciary, Rules and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 170, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 100, H 102, and H 139, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 103, H 104, and H 186, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1151 and S 1160, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Geddes and Senator McKenzie were recorded present at this order of business.

On request by Senator Hammond, granted by unanimous consent, **H 79** was referred to the Fourteenth Order of Business, General Calendar.

S 1106 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total- 32.

NAYS--None.

Absent and excused--Andreason, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1106** passed, title was approved, and the bill ordered transmitted to the House.

President Risch called President Pro Tempore Geddes to the Chair.

S 1105 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Andreason, McKenzie, Pearce. Total - 3.

Whereupon the President Pro Tempore declared **S 1105** passed, title was approved, and the bill ordered transmitted to the House.

Senator Gannon requested that **S 1079**, as amended, be referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Gannon, granted by unanimous consent, his request to send **S 1079**, as amended, to the Fourteenth Order of Business was withdrawn.

S 1055 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Schroeder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, McGee, McKague, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 28.

NAYS--Bair, Darrington, Little, Siddoway. Total - 4.

Absent and excused--Andreason, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1055** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Schroeder, granted by unanimous consent, **S 1087** retained its place on the Third Reading Calendar for February 27, 2007.

President Risch assumed the Chair.

S 1074 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate.

Pursuant to Senate Rule 39(A), Senator Siddoway requested, granted by unanimous consent, that he be excused from voting on **S 1074**.

The question being, "Shall the bill pass?"

AYES--Bair, Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Little, Lodge, McGee, McKague, McKenzie, Richardson, Schroeder, Stegner. Total - 24.

NAYS--Bilyeu, Burkett, Kelly, Keough, Langhorst, Malepeai, Pearce, Stennett, Werk. Total - 9.

Absent and excused--Andreason. Total - 1.

Paired and voting included in roll call:

AYE - McGee NAY - Pearce

Excused from voting -- Siddoway. Total - 1.

Total - 35.

Whereupon the President declared **S 1074** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:30 a.m., Monday, February 26, 2007.

JAMES E. RISCH, President

Attest: RUSTI HORTON, Assistant Secretary